

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

ERIK MAGANA

PLAINTIFF

V.

CIVIL ACTION NO.: 3:20-CV-272-GHD-JMV

CORECIVIC, ET AL.

DEFENDANTS

**ORDER DENYING MOTION FOR ORDER DIRECTING RELEASE OF
PROTECTED HEALTH INFORMATION**

BEFORE THE COURT is the Plaintiff's unopposed motion for an order directing release of protected health information [118].

Therein, Plaintiff requests that the undersigned enter an order authorizing the production his own confidential health information that is being withheld in connection with a criminal case involving plaintiff in the Western District of North Carolina. In support of his motion, Plaintiff has attached email correspondence from Senior U.S. Probation Officer Jeff Tomaszewski from the Western District of North Carolina. In the email, Officer Tomaszewski advised Plaintiff's counsel as follows:

The applicable CFR's are 42 C.F.R. Part 2 and 45 C.F.R. § 160.201 to 205 and Part 164. An order from the MS Federal District may suffice in this case however I cannot make that determination. Only the Judicial official, United States District Judge Robert J. Conrad, Jr., who is over Mr. Magana's [criminal] case can make that determination.

Exh. 1 to [118] at 1.

In his motion, Plaintiff has provided the citations to the CFR parts referenced by Officer Tomaszewski, including a citation to the entirety of 42 C.F.R. Part 2, but has otherwise provided no briefing to support his suggestion that the undersigned U.S. Magistrate Judge has the authority and should order release of the subject records. The records, again, are apparently being withheld in connection with a federal criminal case in the Western District of North

Carolina. According to the e-mail attached in support of the instant motion, the United States District Judge over that criminal case is said to be the only person who can authorize the release of the records.

THEREFORE, it is for these reasons that Plaintiff's motion for an order directing release of protected health information shall be and is hereby **DENIED** without prejudice.

SO ORDERED AND ADJUDGED, this the 1st day of December, 2022.

/s/ Jane M. Virden

U.S. MAGISTRATE JUDGE JANE M. VIRDEN